

Message Text

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ORIGIN EUR-12

INFO OCT-01 ISO-00 AID-05 HA-05 SSO-00 INRE-00 NSCE-00

USIE-00 CIAE-00 DODE-00 PM-05 H-01 INR-07 L-03

NSAE-00 PA-01 PRS-01 SP-02 SS-15 /058 R

DRAFTED BY EUR/WE:JCUNNINGHAM:JL

APPROVED BY EUR/WE:EMROWELL

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HA/HR - KHILL (SUBSTANCE

EUR/PP - LFUERTH (SUBSTANCE)

-----011399 132309Z /75

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FM SECSTATE WASHDC

TO AMEMBASSY MADRID IMMEDIATE

C O N F I D E N T I A L STATE 010275

E.O. 11652: GDS

TAGS: US, SP, EAID, SHUM

SUBJECT: REPORT ON HUMAN RIGHTS IN SPAIN

REFS: (A) BREISKY - HUGHES MEMO 12-13-77

(B) 77 STATE 282352

1. FOLLOWING IS DRAFT TEXT OF REPORT TO CONGRESS ON HUMAN RIGHTS IN SPAIN. THIS TEXT WILL BE REFORMATTED WITHOUT SUBSTANTIVE CHANGE JANUARY 14-15. FINAL DEPARTMENTAL APPROVAL OF THE REPORT WILL BE GIVEN ON JANUARY 17.

2. EMBASSY IS REQUESTED TO REVIEW DRAFT AND SEND BY IMMEDIATE CABLE YOUR COMMENTS IF REPEAT IF ANY SUBSTANTIVE CHANGES ARE REQUIRED.

3. BEGIN TEXT:

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1. RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING FREEDOM FROM:

A. TORTURE - THE SPANISH ARE FREE FROM TORTURE.

B. CRUEL, INHUMAN OR DEGRADING PUNISHMENT - THE SPANISH

GOVERNMENT AND ITS OFFICIALS DO NOT PRACTICE CRUEL, IN-HUMAN OR DEGRADING PUNISHMENT.

C. ARBITRARY ARREST OR IMPRISONMENT - SPAIN'S NEW DEMOCRATIC GOVERNMENT IS VIGOROUSLY ENFORCING LAW AND POLICY AGAINST ARBITRARY ARREST AND DETENTION.

D. DENIAL OF FAIR PUBLIC TRIAL - THE SPANISH JUDICIAL SYSTEM IS INDEPENDENT AND GENERALLY RESPECTED, AND THE JUDGES ARE PROMOTED ON A STRICT MERIT SYSTEM.

E. INVASION OF HOME - THERE HAVE BEEN ISOLATED INSTANCES OF INVASION OF THE HOME IN THE BASQUE COUNTRY, BUT THE GOVERNMENT IS WORKING HARD TO END SUCH OCCASIONAL ABUSES.

2. RESPECT FOR CIVIL AND POLITICAL LIBERTIES:

A. FREEDOM OF THOUGHT, RELIGION, ASSEMBLY - FREEDOM OF THOUGHT AND RELIGION EXISTS, AS DOES FREEDOM OF ASSEMBLY.

B. FREEDOM OF MOVEMENT WITHIN A COUNTRY, FOREIGN TRAVEL AND IMMIGRATION POLICIES - THERE ARE NO RESTRICTIONS ON FREEDOM OF MOVEMENT, FOREIGN TRAVEL OR EMIGRATION. A SMALL NUMBER OF ACCUSED AND CONVICTED TERRORISTS WERE RELEASED FROM PRISON LAST SPRING ON CONDITION THEY LEAVE CONFIDENTIAL

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SPAIN. SOME HAVE APPARENTLY RETURNED TO SPAIN WITHOUT REPERCUSSION.

C. DEMOCRATIC PROCESSES ASSURING THE FREEDOM TO PARTICIPATE IN THE POLITICAL PROCESS - THE FIRST FREE DEMOCRATIC ELECTIONS IN 40 YEARS TOOK PLACE JUNE 15, 1977, AND THE PARLIAMENT ELECTED THEN IS NOW WORKING ON A NEW DEMOCRATIC CONSTITUTION.

3. RECENT TRENDS IN GOVERNMENTAL POLICIES RELATING TO THE FULFILLMENT OF BASIC NEEDS FOR FOOD, SHELTER, HEALTH CARE AND EDUCATION;

A. POLICIES RESPONDING TO OR IGNORING NEEDS OF THE POOR - WHILE SPAIN'S WELFARE SYSTEM IS NOT AS EXTENSIVE AS SOME OTHER EUROPEAN COUNTRIES, MOST SPANIARDS RECEIVE SUFFICIENT FOOD, SHELTER AND HEALTH CARE. SPANISH ECONOMIC DEVELOPMENT HAS BROUGHT ABOUT AN ENORMOUS IMPROVEMENT IN THE GENERAL STANDARD OF LIVING OVER THE PAST 15 YEARS.

B. CORRUPTION DIVERTING RESOURCES TOWARD THE ELITE AND AWAY FROM THE POOR - THERE IS NO EVIDENCE THAT SPAIN HAS

SUFFERED CORRUPTION SUFFICIENT TO DIVERT NATIONAL
RESOURCES IN SIGNIFICANT AMOUNTS TO ELITES.

4. GOVERNMENT RESPONSIBILITY FOR THE FOREGOING RECORD:

A. THE GOVERNMENT OF SPAIN HAS MOVED OPENLY TO BRING
DEMOCRACY TO SPAIN AND TO GUARANTEE TO SPANIARDS A BROAD
SPECTRUM OF DEMOCRATIC FREEDOMS. NEW LAWS AND DECREES
PROVIDING FREEDOM OF ASSEMBLY AND OTHER POLITICAL ACTIVITY
HAVE BEEN APPROVED; JUDICIAL SAFEGUARDS HAVE BEEN STRENGTH-
ENED; PRESS CENSORSHIP HAS BEEN GREATLY RESTRICTED AND ALL
POLITICAL PRISONERS HAVE BEEN RELEASED. THE GOVERNMENT,
AT SOME RISK, HAS ALSO TAKEN VIGOROUS MEASURES TO HALT
POLICE EXCESSES AND TO ENSURE THAT LAW ENFORCEMENT IS
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IMPARTIAL. TERRORISTS OF BOTH RIGHT AND LEFT HAVE BEEN
ARRESTED AND PROSECUTED.

5. GOVERNMENT ATTITUDE AND RECORD REGARDING INTERNATIONAL
AND NON-GOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS
OF HUMAN RIGHTS:

A. THE GOVERNMENT HAS SHOWN NO ANTIPATHY TO INDEPENDENT
OUTSIDE INVESTIGATIONS OF SPAIN'S HUMAN RIGHTS SITUATION.
WE KNOW OF NO UP-TO-DATE INDEPENDENT REPORT ON SPAIN.

END TEXT.

4. ABOVE IS FOR EMBASSY INFORMATION ONLY AND SHOULD
NOT BE DISCUSSED WITH GOS UNTIL THE DEPARTMENT SO
AUTHORIZES.

5. REGARDING POINT RAISED REF (A), SPAIN IS A
RECIPIENT OF SECURITY ASSISTANCE ONLY, SINCE ALL FUNDING
OF 1976 TREATY OBLIGATIONS IS SO DESIGNATED IN AID
BUDGET. CHRISTOPHER

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NNN

Message Attributes

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